

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KIMBERLY ANN RICHARDSON,

Plaintiff,

v.

GRACE KIMBROUGH, et al.,

Defendants.

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Civ. No. 16-5931 (RBK) (AMD)

MEMORANDUM AND ORDER

Plaintiff is proceeding *pro se* with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. At this time, this Court must screen the complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A to determine whether it should be dismissed as frivolous or malicious, for failure to state a claim upon which relief may granted or because it seeks monetary relief from a defendant who is immune from suit. At this early stage of the proceedings, this Court will permit plaintiff's complaint to proceed past screening. *See, e.g., United States v. Jones*, 132 S. Ct. 945 (2012).

Accordingly, IT IS this 28th day of December, 2016,

ORDERED that plaintiff's complaint is permitted to proceed against all of the defendants; and it is further

ORDERED that the Clerk shall mail to plaintiff a transmittal letter explaining the procedure for completing a United States Marshal ("Marshal") 285 Form ("USM-285 Form"); and it is further

ORDERED that once the Marshal receives the USM-285 Forms from plaintiff and the Marshal so alerts the Clerk, the Clerk shall issue summons in connection with each USM-285 Form that has been submitted by plaintiff, and the Marshal shall serve summons, the complaint

and this Order and the accompanying Opinion on the address specified on each USM-285 Form, with all costs of service advanced by the United States¹; and it is further

ORDERED that defendants shall file and serve a responsive pleading within the time specified by Federal Rule of Civil Procedure 12; and it is further

ORDERED that pursuant to 28 U.S.C. § 1915(e)(1) and 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel; and it is further

ORDERED that if at any time prior to the filing of a notice of appearance by defendants, plaintiff seeks the appointment of pro bono counsel or other relief, pursuant to Federal Rule of Civil Procedure 5(a) and (d), plaintiff shall (1) serve a copy of the application by regular mail upon each party at his last known address and (2) file a Certificate of Service²; and it is further

ORDERED that the Clerk shall serve this Order and the accompanying Opinion on plaintiff by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge

¹ Alternatively, the U.S. Marshal may notify defendant that an action has been commenced and request that the defendant waive personal service of a summons in accordance with Federal Rule of Civil Procedure 4(d).

² After an attorney files a notice of appearance on behalf of a defendant, the attorney will automatically be electronically served all documents that are filed in the case.